

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|----------------------------------|---|----------------|
| BRYAN W. HILLEGASS | : | CIVIL ACTION |
| Plaintiff | : | |
| | : | |
| v. | : | |
| | : | |
| JO ANNE BARNHART, | : | |
| Commissioner of Social Security, | : | |
| Defendant | : | No. 05-CV-1263 |

ORDER

JANUARY 18, 2006

PRATTER, DISTRICT JUDGE

AND NOW, this 18th day of January, 2006, upon consideration of the Parties' Cross-Motions for Summary Judgment (Docket Nos. 8 & 9) and Plaintiff Hillegass' Reply in Support of the Motion for Summary Judgment (Docket No. 10), and after careful review of the Report and Recommendation of the Honorable Timothy R. Rice, United States Magistrate Judge, (Docket No. 12), IT IS ORDERED that:

1. The Report and Recommendation (Docket No. 12) is APPROVED and ADOPTED as corrected with respect to certain citations;¹
2. Plaintiff Hillegass' Motion for Summary Judgment (Docket No. 8) is GRANTED;
3. Defendant Commissioner's Motion for Summary Judgment (Docket No. 9) is

¹ The text and authorities of the Magistrate Judge's Report and Recommendation are adopted in their entirety. Appended to this Order, however, is a Report and Recommendation with corrected citations and page references to certain of the case authorities cited therein.

DENIED;

4. This matter is REMANDED to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g).

BY THE COURT:

GENE E.K. PRATTER, J.

